



City Council Agenda

Council President
Henry T. Perea

Councilmembers

Brian Calhoun, Ph.D.
Mike Dages
Jerry Duncan

Cynthia Sterling
Larry Westerlund
Blong Xiong – Acting President

City Manager
Andrew T. Souza

City Clerk
Rebecca E. Klisch, CMC

City Attorney
James C. Sanchez

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650.

The City Council welcomes you to this meeting.

July 24, 2007

8:30 A.M. ROLL CALL

Invocation by Pastor Kurt Johnson of Life Tabernacle

Pledge of Allegiance to the Flag

Ceremonial Presentation:

Proclamation of "FRESNO FORCE SOFTBALL PROGRAM DAY" – Councilmember Sterling – **Removed from the agenda**

Proclamation of "WILLIE AND MARYLOU SHOEMAKER DAY" – All Councilmembers – **Read and presented**

Resolution of Commendation to Richard Herrera, Handy Ride Driver – City Manager's Office and Fresno Area Express - **Read and presented**

Presentation of P.R.I.D.E. Team Certificates for the Summer Quarter (*Reception immediately following – 2nd floor foyer*) - **Presented**

The agenda is available on (www.fresno.gov). The Council meeting can also be heard live at the same web site address, and viewed live on Cable Channel 96 from 8:30 a.m. and re-played beginning at 8:00 p.m.
PROCESS: For each matter considered by the Council there will first be a staff presentation followed by a presentation from the involved individuals, if present. Testimony from those in attendance will then be taken. All testimony will be limited to three minutes per person. If you would like to speak fill out a Speaker Request Form available from the City Clerk's Office and in the Council Chambers. The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker.

The green light on the podium will be turned on when the speaker begins. The yellow light will come on with one minute remaining. The speaker should be completing the testimony by the time the red light comes on and tones sound, indicating that time has expired. A countdown of time remaining to speak is also displayed on the large screen behind the Council dais.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve minutes of the Joint Meeting with the Fresno County Board of Supervisors of July 13, 2007

Action Taken: Approved

Approve minutes of July 17, 2007

Action Taken: Approved

Councilmember Reports and Comments

Action Taken: Made

Approve Agenda

Action Taken: Approved, as amended

Adopt Consent Calendar

Action Taken: Adopted

1. **CONSENT CALENDAR**

All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered at 2:00 P.M.

- A. * Approve the purchase of five (5) vacant parcels (2.37 net acres) located in Southwest Fresno utilizing \$364,500 in HOME Program funds for the development of mixed income single-family housing – Planning and Development Dept.

Action Taken: Approved

- B. Adopt the proposed plan and schedule by the Department of Public Utilities for the development of the City's Sewer System Management Plan (SSMP) – Dept. of Public Utilities/Sewer Maintenance

Action Taken: Adopted

- C. * Approve one year concession agreement, with four one-year successive annual renewals in favor of the City, for the current wireless (WIFI) Internet Provider, concession agreement between Fresno Yosemite International Airport and Intelligent Network Communications, Inc., (dba Integrated WIFI) – Airports Dept.

Action Taken: Approved

- D. * Approve assignment/transfer of shade canopy structure subcontract for the consolidated rental car facility project at Fresno Yosemite International Airport – Airports Dept.

Action Taken: Approved

- E. * Approve the acquisition of a street easement for the placement of traffic signals at the intersection of Maple and Teague Avenues (**Property located in District 6**) – Public Works Dept.

Action Taken: Approved

1. **CONSENT CALENDAR CONTINUED**

- F. **RESOLUTION** – Approving a relinquishment agreement with the California Department of Transportation for a portion of the Old State Route 41 bridge at the San Joaquin River and authorizing the Public Works Director or his designee to sign the agreement on behalf of the City of Fresno – *(Property located in District 6)* – Public Works Dept.
Action Taken: Resolution No. 2007-254 adopted, as amended
- G. * Award a contract to "R" Rooter & Plumbing for the installation of an 8" water main on Butler-Liberty alley and Lyell-Lowe alley from Sierra Vista Avenue to Chestnut Avenue *(Property located in District 4)* – Public Works Dept.
Action Taken: Awarded
- H. **RESOLUTION** – Approving the application for and the acceptance of up to \$150,000 in REMOVE II E-Mobility (telecommunications) Program grant funds from the San Joaquin Valley Air Pollution Control District (SJVAPCD) and authorizing executive of documents – PR&CS
Action Taken: Resolution No. 2007-255 adopted
- I. Approve City Manager's appointment of Terry Bond as a Boardmember of the City of Fresno Deferred Compensation Board – City Manager's Office
Action Taken: Removed/to be rescheduled

SCHEDULED COUNCIL HEARINGS AND MATTERS

- 9:00 A.M. A. **SCHEDULED COMMUNICATION –**
1. Appearance by Don Glasson to discuss the Building Inspection Division of the Planning and Development Department – **Request to appear withdrawn**
- B. **UNSCHEDULED COMMUNICATION** – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least ten (10) days prior to the desired date. Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda
- 9:30 A.M. **Action regarding Fiscal Year 2008 budget consideration requests and line item vetoes:**
- A. **REQUEST FOR OVERRIDE OF MAYORAL VETO** – Council President Perea (Requires Five (5) Affirmative Votes)
1. **RESOLUTION NO. 2007-214 – (Annual Appropriation Resolution) (AAR)**
Adopting the budget for Fiscal Year 2008 and appropriating to the various departments amounts set forth for the purposes named herein:
a. Reduction of \$350,000 related to Police Department Gang Suppression/Intelligence Unit
Action Taken: Discussed; veto not overridden
b. Reduction of \$100,000 as matching funds for Storyland/Playland as currently presented
Action Taken: Veto overridden

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

9:30 A.M. **Action regarding Fiscal Year 2008 budget consideration requests and line item vetoes:**

**B. REQUEST FOR RECONSIDERATION – CHARTER MANDATED
(Requires Simple Majority Vote)**

1. **RESOLUTION NO. 2007-215 – (Position Allocation Resolution) (PAR)**
Establishing the number of positions authorized in the various departments and offices of the City for Fiscal Year 2008
 - a. Reconsider adding the Independent Police Auditor to the PAR in the City Manager's Office
Action Taken: Failed
 - b. Reconsider adding the Executive Analyst to Council position back into the PAR in the Council President's budget effect January 1, 2008
Action Taken: Approved

2. **RESOLUTION NO. 2007-214 – (Annual Appropriation Resolution) (AAR)**
Adopting the budget for Fiscal Year 2008 and appropriating to the various departments amounts set forth for the purposes named herein:
 - a. Reconsider \$350,000 of resources for the Police Department as originally proposed in the Police Department's fiscal year 2008 budget
Action Taken: Approved
 - b. Reconsider an additional \$50,000 of funding for the Regional Jobs Initiative to restore to proposed level of \$175,000
Action Taken: Failed

3. **RESOLUTION NO. 2007-217 – (Salary Resolution) -** Establishing rules for the application of City employee compensation rates and schedules and related requirements, and establishing compensation rates and schedules for Fiscal Year 2008
 - a. Reconsider adding the Independent Police Auditor in the Salary Resolution in the City Manager's Office
Action Taken: Failed

C. REQUEST FOR RECONSIDERATION (Requires Simple Majority Vote)

1. **REQUEST FOR RECONSIDERATION OF RESOLUTION NO. 2007-214 – (Annual Appropriation Resolution) (AAR)** Adopting the budget for Fiscal Year 2008 and appropriating to the various departments amounts set forth for the purposes named herein:
 - a. Reconsider \$100,000 match for Storyland/Playland for the specific purpose of capital repairs to the lake's circulation equipment
Action Taken: Discussed; no action taken

9:45 A.M. **GENERAL ADMINISTRATION**

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

10:00 A.M.#1 HEARING to rescind and replace Resolution Nos. 2002-298, 2002-299 and 2002-300, which ordered the vacation of various streets and alleys between Illinois Avenue and McKenzie Avenue west of Fresno Street to accommodate the continuing expansion of the Regional Medical Center **(Property located in District 3)** – R.I. 1061-D

Action Taken: Held

a. * **RESOLUTION** - Rescinding Resolution No. 2002-298 and ordering the vacation of portions of the Valeria-Thesta alley, Thesta Street, the Thesta-Howard alley, Howard Street and the Howard-Fresno alley between Illinois and McKenzie Avenues

Action Taken: Resolution No. 2007-245 adopted

b. * **RESOLUTION** - Rescinding Resolution No. 2002-299 and ordering the vacation of portions of the Clark-Diana alley, Clark Street, and the Clark-Valeria alley between Illinois and McKenzie Avenues

Action Taken: Resolution No. 2007-246 adopted

c. * **RESOLUTION** - Rescinding Resolution No. 2002-300 and ordering the vacation of portions of the Clark-Diana alley and Clark Street between Divisadero and Illinois Avenues, and Divisadero and Illinois Avenues between Diana and Clark Streets

Action Taken: Resolution No. 2007-247 adopted

d. * **RESOLUTION** - Ordering the vacation of Illinois Avenue between Clark and Fresno Streets

Action Taken: Resolution No. 2007-248 adopted

e. * **RESOLUTION** - Ordering the vacation of a portion of Valeria Street between Illinois and McKenzie Avenues

Action Taken: Resolution No. 2007-249 adopted

10:30 A.M. TEFRA HEARING as required by Section 147(F) of the Internal Revenue Code of 1986, as amended, to hear and to consider information concerning the proposed issuance of 501 C (3) tax exempt Revenue Bonds by the California Statewide Communities Development Authority for the purchase of financing the construction of an Early Head Start Child Care Center for the benefit of children of low-income student-teen-parents attending the FCEOC Charter School of Unlimited Learning - Finance Department

Action Taken: Held

a. * **RESOLUTION** - Approving the issuance of tax-exempt revenue obligations, not exceeding \$1.5 million dollars by the California Statewide Communities Development Authority for the benefit of the Fresno County Economic Opportunities Commission (FCEOC Early Head Start Child Care Center)

Action Taken: Resolution No. 2007-250 adopted

10:45 A.M. HEARING to consider an appeal of the Planning and Development Department Director's action approving Conditional Use Permit Application No. C-07-134, and environmental findings, filed by the City of Fresno, pertaining to the installation of two megawatts of ground mounted solar photovoltaic panels at two locations (Site 1 and Site 2) on Fresno Yosemite International Airport property. Site 1 is located on the southeast corner of N. Clovis Avenue and the E. McKinley Avenue alignment and covers 21.5 acres. Site 2 is located west of and immediately adjacent to the existing baggage claim facility at the Fresno Yosemite International Airport at E. Clinton Way and E. McKinley Avenue and will be located above the 5-acre car rental lot **(Property located in District 4)** - Planning and Development Dept

Action Taken: Held

a. Consider and adopt Environmental Assessment No. C-07-134, determination of initial study to file a Finding of Conformity to MEIR 10130 for the 2025 Fresno General Plan

Action Taken: Adopted

b. **RESOLUTION** – Adopting the finding of Conformity with Master Environmental Impact Report No. 10130 and approving Conditional Use Permit Application No. C-07-134 for properties located on the southeast corner of S. Clovis Avenue and E. McKinley Avenue and on the east side of Ashley Road between Clinton Way and E. Anderson Road

Action Taken: Resolution No. 2007-251 adopted

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

11:00 A.M. **CONTINUED HEARING** regarding changing the maximum special tax and appropriations limit for City of Fresno Community Facilities District No. 2, Annexation No. 81 (Final Tract Map No. 5258) and Annexation No. 82 (Final Tract Map No. 5295) (*Property located in District 5*) – Public Works Department

Action Taken: **Held**

- a. **RESOLUTION** - Authorizing levy of amended special tax and setting an amended appropriations limit
 Action Taken: **Resolution No. 2007-252 adopted**
- b. **RESOLUTION** - Calling special mailed-ballot election
 Action Taken: **Resolution No. 2007-253 adopted, as amended changing the hearing date to 10/23/2007**
- c. **RESOLUTION** - Declaring election results
 Action Taken: **Continued to 10/23/2007**
- d. **RESOLUTION** - Changing the maximum special tax for Annexation No. 81 (Tract 5258) and Annexation No. 82 (Tract 5295)
 Action Taken: **Continued to 10/23/2007**
- e. * **BILL** - Amending and modifying Ordinances 2005-70, 2004-124, 2005-71 and 2004-125 and levying amended special tax for property tax year 2007-2008
 Action Taken: **Continued to 10/23/2007**

2:00 P.M. #1 **CONTESTED CONSENT CALENDAR**

2:00 P.M. #2 **CLOSED SESSION**

- A. **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION** - Government Code Section 54956.9, subdivision (a)
 - 1. **Case Name:** City of Fresno v. David Massry, et al.
 - 2. **Case Name:** Shields West, LLC v. City of Fresno, et al.
 Action Taken: **Held**

- B. **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION** - Government Code Section 54956.9, subdivision (b)
 Significant Exposure to Litigation:
 - 1. Federal Aviation Administration (FAA) v. City of Fresno (COF) [GAP Project]
 Action Taken: **Held**

2:30 P.M. **CITY COUNCIL**

- A. Presentation and discussion of "Finding Home" a short film by Suzanne Bertz-Rosa – Councilmember Calhoun – **Presentation made**

SCHEDULED COUNCIL HEARINGS AND MATTERS

July	31 -	10:00 A.M.#1	HEARING to consider the proposed annual assessments for landscaping and Lighting Maintenance District No. 1 (City wide) – Public Works Department
July	31 -	10:00 A.M.#2	CONTINUED HEARING regarding City of Fresno Community Facilities District No. 11, Annexation No. 17 (Final Tract Map No. 5730) (<i>Property located in District 2</i>)
July	31 -	10:10 A.M.	HEARING re: Rezone Application R-06-069, filed by Yamabe and Horn Engineering, Inc. on behalf of Stockridge Development Inc.
July	31 -	10:15 A.M.	CONTINUED HEARING re: Community Facilities District No. 11 (Final Tract No. 5589) Annexation No. 18 to (<i>Property located in District 1</i>) – Public Works Dept.
July	31 -	10:20 A.M.	HEARING re: Rezone Application No. R-07-23, filed by Bill Gavello, on behalf of Angie Gavello living trust
July	31 -	10:25 A.M.	HEARING re: Rezone Application No. R-07-34, filed by Leland Parnagian, on behalf of Denken Farms. LP
July	31 -	10:30 A.M.	HEARING re: Rezone Application No. R-07-35, filed by Lorelee Geisor
July	31 -	10:35 A.M.	HEARING re: Rezone Application No. R-07-36, filed by Donald Sims
July	31 -	10:40 A.M.	HEARING re: Rezone Application No. R-06-64, and environmental findings, filed by James Quinn, Associated Design and Engineering, Inc., on behalf of Percy Williams, Greg Maroot, et al.
July	31 -	2:30 P.M.	ISD Network Migration Project - Software Services
July	31 -	3:00 P.M.	RESOLUTION - Authorizing City Manager's execution of Program Agreement 1 with the San Joaquin Valley Power Authority in order for the City of Fresno to participate in a Community Choice Aggregation Program – Dept. of Public Utilities
Aug.	7 -		NO MEETING - COUNCIL RECESS
Aug.	14 -		NO MEETING - COUNCIL RECESS
Aug.	21 -	10:00 A.M.	WORKSHOP re: update on change in governance structure in the Dept. of Public Utilities
Aug.	21 -	10:15 A.M.	Consideration of Alternative Building Standards and Special Permit Processing (Adaptive Reuse) policy and procedures
Aug.	21 -	10:30 A.M.	Consideration of Outdoor Patio Dining policy and procedures
Aug.	28 -	4:00 P.M.	HEARING re: 2007 Cycle 1 Plan Amendments
Sept.	4 -		NO MEETING - DUE TO LABOR DAY
Sept.	11 -		NO MEETING - COUNCIL RECESS
Sept.	18 -	10:00 A.M.	HEARING re: the vacation of a portion of Fowler Avenue at Illinois Avenue - R.I. No. 1062-D
Sept.	19 (Wed.)	2:00 P.M.	Presentation of Employee Service Awards (Council Chambers) (<i>Reception immediately following – 2nd floor foyer</i>)
Sept.	25 -	10:00 A.M.	HEARING to consider formation of UUD No. FRE-84 (Blackstone Avenue between Shields Avenues and Belmont Avenue – Public Works Dept.
Oct.	23-	10:00 A.M.	Ballot results for change of tax rate for CFD No. 2, Annexations No. 81 and 82